In the High Court of Judicature at Madras

Dated: 21.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

W.P.No.14994 of 2004

1.G.Balakrishna Reddy
2.S.Kumar .. Petitioners

Vs..

1.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai-600 008.

2.The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai-600 003.

3.The Assistant Executive Engineer,
Zonal Office V,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030.

4.T.C.Murugesan
(R4 impleaded as per order dt.07.08.2006
by PDDJ in WPMP.4999/05 in WP/14994/05) .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the order made in Ref.No.11440 dated 06.05.2004 issued by the third respondent and the consequential order made in No.087 dated 13.05.2004 issued by the first respondent, quash the same and to forbear the respondents from interfering with the petitioners' construction put up in door No.18, 111 Cross Street, Shenoy Nagar East, Chennai-30 or demolishing the same.

For Petitioners : Mr.Pitty Parthasarathy
for M/s G. Ethirajulu
For 1st respondent : Mr.J.Ravindran
For respondents 2&3 : Mr.a.Mohamed Ghouse
For 4th respondent : Mrs.S.Hemalatha

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner has approached this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the order made in Ref.No.11440 dated 06.05.2004 issued by the third respondent and the consequential order made in No.087 dated 13.05.2004 issued by the first respondent, quash the same and to forbear the respondents from interfering with the petitioners' construction put up in door No.18, 111 Cross Street, Shenoy Nagar East, Chennai-30 or demolishing the same.

2. It is not in dispute that against the impugned order of the third respondent dated 06.05.2004 and the consequential order dated 13.05.2004 issued by the first respondent, the petitioners have preferred an appeal to the Government on 06.10.2004. The communication in letter No.35933/UD-VI/2006-2 dated 18.10.2006 of the Deputy Secretary to Government, Housing and Urban Development (UD-VI) Department, Secretariat, Chennai-600 009, supports the above claim. In view of the fact that the petitioners have filed an appeal before the Government and the same is still pending, we are of the view that no further adjudication is required in this petition. Accordingly, the writ petition is dismissed. No costs.

3. It is represented that based on the communication of the Deputy Secretary to Government, Housing and Urban Development (UD-VI) Department, Secretariat, Chennai-600 009, dated 18.10.2006, the petitioners have furnished further materials in support of their claim. In view of the same, the Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-600 009, is directed to dispose of the appeal of the petitioners dated 06.10.2004 in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till final order being passed in the appeal by the Government, the impugned proceedings shall be kept in abeyance.

raa

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

To

1.The Member Secretary,
Chennai Metropolitan Development
Authority, Chennai-600 008.

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2.The Corporation of Chennai,
rep. by its Commissioner,
Rippon Buildings,
Chennai-600 003.

3.The Assistant Executive Engineer,
Zonal Office V,
Corporation of Chennai,
Shenoy Nagar,
Chennai-600 030.The Member Secretary,

4. The Secretary to Govt, Housing
and Urban Development Department,
Secretariat, Chennai-600 009

+ One cc to Mr. G. Ethirajulu Advocate SR 17307
+ One cc to Mr. J. Ravinndran Advocate SR 17461
+ One cc to Mr. A. Mohammed Gouse, Advocate sR 17264
+ One cc to Mr. S. Hemalatha Advocate sR 18215

TA (co)
sg 27/3/07

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